

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHS INC.,

Plaintiff,

vs.

**ABENGOA BIOENERGY NEW
TECHNOLOGIES, LLC, ABENGOA
BIOENERGY COMPANY, LLC, AND
ABENGOA BIOENERGY OF
NEBRASKA, LLC,**

Defendants.

8:15CV429

ORDER

This matter is before the Court on the Suggestion of Bankruptcy (Filing No. 22) filed by Plaintiff CHS, Inc., stating that a Chapter 7 bankruptcy petition was filed against Defendant Abengoa Bioenergy of Nebraska, LLC in the United States Bankruptcy Court for the District of Nebraska, in Case No. 16-80141-TLS (the "Chapter 7 Petition") on February 1, 2016.

Although NEGenR 1.5(a)(1) requires that the Court stay further proceedings in this case as to Defendant Abengoa Bioenergy of Nebraska, LLC, the Rule allows the case to proceed as to any parties not in bankruptcy. However, the parties have filed a Joint Motion to Suspend Case Deadlines (Filing No. 23), requesting that the Court suspend all deadlines in this case, including the briefing deadlines on the Defendants' Motion to Dismiss (Filing No. 17). The Court will grant the parties' motion, and will stay further proceedings in this case. Additionally, the Court will deny the Defendants' Motion to Dismiss without prejudice to reassertion after the bankruptcy petition is dismissed or relief from the automatic stay is granted. Accordingly,

IT IS ORDERED:

1. The Suggestion of Bankruptcy (Filing No. 22) filed by Plaintiff CHS, Inc., is noted for the record and the Clerk of Court is directed to terminate Filing 22 as a pending matter;
2. The parties' Joint Motion to Suspend Case Deadlines (Filing No. 23) is granted;
3. This case is stayed as to all parties until the Chapter 7 Petition is dismissed or the Bankruptcy Court issues relief from the automatic stay under 11 U.S.C. § 362;
4. Defendants' Motion to Dismiss (Filing No. 17) is denied without prejudice to reassertion; and
5. Unless the Chapter 7 Petition is dismissed or the Bankruptcy Court issues relief from the automatic stay under 11 U.S.C. § 362, on or before April 15, 2015, the parties shall file a status report with this Court regarding the status of the bankruptcy proceedings and addressing whether this case should be referred to the Bankruptcy Court under NEGenR 1.5(a)(1).

Dated this 12th day of February, 2016

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge